

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

**LARRY PROTHRO,**

Plaintiff,

**vs.**

CITY OF HEFLIN, ALABAMA, et  
al,

## Defendants.

CV 98-PT-2843-E

# ENTERED

**JUL 12 1999**

## MEMORANDUM OPINION

This cause comes on to be heard on the Motion For Summary Judgment filed by defendants on May 24, 1999.

Plaintiff makes two claims: (1) Denial of due process; and (2) race discrimination. The plaintiff was a probationary employee and did not have a protected property interest. The fact that he was a re-hire did not change this status. The motion will be granted as to the due process claim(s).<sup>1</sup>

The evidence as to race discrimination may hang on the thin reed of disparate treatment as related to Jones. Sometimes thin reeds have to go to trial, at least for further court review, if not jury review. Much of the so-called comparator evidence may not

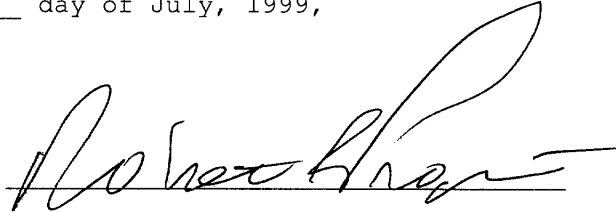
<sup>1</sup>The law is certainly not clearly established in this area. At least, Lambert is entitled to qualified immunity.

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be admissible. That can be addressed by motion(s) in limine.

The motion will be granted as to the due process claim(s) and denied as to the race discrimination claim.

This 8<sup>th</sup> day of July, 1999,

A handwritten signature in black ink, appearing to read "Robert Propst", written over a horizontal line.

**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**